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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,436	10/13/2000	Alan H. Karp	10992795	8480

7590 06/10/2005

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EXAMINER	
VO, LILIAN	

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/687,436	KARP ET AL.	
	Examiner	Art Unit	
	Lilian Vo	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 5 - 15, 18, 19 and, 22 - 24* is/are rejected.

7)☒ Claim(s) *3,4,16,17,20,21,25 and 26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

5:00

DETAILED ACTION

1. Claims 1 – 26 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5, 7, 9, 11 – 15, 18, 19 and 22 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephen Mounsey ("Disk Quotas", University of Cambridge, Dept. of Engineer, October 9, 1997, hereinafter Mounsey) in view of Kyler et al. (US 6,092,163, hereinafter Kyler).

1. Regarding **claim 1**, Mounsey discloses a method for flexible allocation of a resource, comprising the steps of:

associating a soft limit and a hard limit to a potential user of the resource wherein the soft limit guarantees access to the resource by the potential user and the hard limit enables the potential user to exceed the soft limit on a first-come-first-served basis (1st paragraph);

obtaining a request for allocation of a portion of the resource for the potential user (1st paragraph);

granting the request if the request if allowed would not exceed the soft limit of the potential user (1st paragraph: default initial limit);

denying the request if the request if allowed would exceed the hard limit of the potential user (1st paragraph: Exceeding the hard limit results in immediate failure of all further file creation or expansion).

Mounsey did not clearly disclose the step denying the request if the request if allowed would cause a grand total allocation of the resource for plural users to exceed a high watermark assigned to the resource and granting the request otherwise. Nevertheless, Kyler discloses the implementation of disk space quotas in which quotas limit on disk space taken up by files in the file system are established for users and directories, and an internal database is established to track quotas against actual disk space utilization (fig. 2, col. 3, lines 31 – 50, col. 2, lines 6 – 46). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to incorporate Kyler's teaching together with Mounsey to ensure that there will always be adequate space available for system operations.

2. Regarding **claim 2**, as modified Mounsey discloses the step of entering a reduction mode for handling a subsequent request for allocation of the resource (Mounsey, 1st paragraph: Exceeding the hard limit results in immediate failure of all further file creation or expansion until usage has been reduced to an acceptable level).

3. Regarding **claim 5**, as modified Mounsey discloses the step of assigning the soft limit to the potential user (Mounsey, page 1: disk usage (soft): 10 mb).

4. Regarding **claim 7**, as modified Mounsey discloses the step of assigning the hard limit to the potential user (Mounsey, page 1: disk usage (hard): 11 mb).

5. Regarding **claim 9**, as modified Mounsey discloses the step of assigning the high watermark to the resource (Kyler, col. 2, lines 6 – 38: quota information).

6. **Claims 11 – 15, 18, 19 and 22 – 24** are rejected on the same ground as stated in claims 1, 2 and 5 above.

4. Claims 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephen Mounsey ("Disk Quotas", University of Cambridge, Dept. of Engineer, October 9, 1997, hereinafter Mounsey) in view of Kyler et al. (US 6,092,163, hereinafter Kyler), as applied to claim 1 above, and in view of Harris et al. (US 6,438,704, hereinafter Harris).

7. Regarding **claims 6 and 8**, Mounsey and Kyler did not clear disclose the additional limitation as claimed. Nevertheless, Harris discloses the step of assigning the soft limit and/or hard limit in response to a class associated with the potential user (col. 4, line 45 – col. 5, line 32, col. 6, line 18 – 43, fig. 1, 2, 3a, 3c). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to incorporate Harris's teaching with the combination of Mounsey and Kyler so that resource can be assigned for utilization accordingly.

8. Regarding **claim 10**, as modified Mounsey discloses the step of allocating a portion of the resource for system use (Harris: col. 2, lines 39 – 67, fig. 1 and 2, col. 4, line 45 – col. 5, line 32).

Allowable Subject Matter

9. **Claims 3, 4, 16, 17, 20, 21, 25 and 26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 3/17/05 have been fully considered but they are not persuasive for the reason set forth below.

11. In response to applicant's argument that there is no suggestion to combine the references (page 10, 1st paragraph, 3rd paragraph and 5th paragraph), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the rejection is found in the knowledge generally available to one of ordinary skill in the art.

12. With respect to applicant's remark that "there is no suggestion of any desirability to deny a request based on a determination that if the request if allowed would cause a grand total allocation the resource for plural users to exceed a high watermark assigned to the resource" (page 10, 2nd paragraph), the examiner disagrees. It is considered well known in the art that every resource has its limit (high watermark or third limit). It is the examiner's understanding and interpretation that the soft limit and hard limit are defined for a single user, and the high watermark of a particular resource including the soft limit and hard limit allocation. As Mounsey discloses that a request that exceeding the hard limit results in immediate failure (would be denied). It is obvious that Mounsey would deny the request if the resource grand total allocation exceeds its limit because every resource has its limit (high watermark or third limit) and the resource limit would consider grand total allocation to all the users.

The above responses also apply to applicant's argument with respect to claim 18 (page 11, 3rd paragraph).

13. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., to deny a request if a soft limit is exceeded based on a comparison of a grand total allocation of the resource for plural users exceeding a high watermark, page 10, 2nd paragraph, last sentence) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the claim language clearly states that the hard limit enables the user to exceed the soft limit. In other words, a request can be granted if exceeds soft limit and not necessary be denied.

14. In response to applicant's arguments against the references individually (page 10, 2nd paragraph - 3rd paragraph), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

15. In response to applicant's argument that "there is no teaching in Kyler that any of its quotas can be beneficially used with a soft limit and hard limit similar to what is described in Mounsey. No suggestion exists in either Mounsey or Kyler of using the user-related quota or directory quota of Kyler with the soft/limit quota system of Mounsey" (page 10, 3rd paragraph), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo
Examiner
Art Unit 2127

lv
June 1, 2005

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